

REPORT TO THE LEGISLATURE
Pursuant to P.A. 245 of 2008
Section 611
Electronic Tether / Monitoring Program
April 2009

Section 611 of 2008 P.A. 245 requires that the Department of Corrections provide individual reports for the community reentry program, the electronic tether program, and the special alternative to incarceration program, including information on:

- Monthly new participants by type of offender. Community reentry program participants shall be categorized by reason for placement. For technical rule violators, the report shall sort offenders by length of time since release from prison, by the most recent violation, and by number of violations occurring since release from prison.
- Monthly participant unsuccessful terminations, including cause.
- Number of successful terminations.
- End month population by facility/program.
- Average length of placement.
- Return to prison statistics.
- Description of each program location or locations, capacity, and staffing.
- Sentencing guideline scores and actual sentence statistics for participants, if applicable.
- Comparison with prior year statistics.
- Analysis of the impact on prison admissions and jail utilization and the cost effectiveness of the program.

This report will focus on the offenders on electronic tether / monitoring. There are four broad offender types on electronic monitoring: probationers, prisoners, parolees, and contractual. Probationers and parolees may be further divided by whether they participated in the Special Alternative Incarceration (SAI) program or not. Electronic monitoring may have been imposed as an initial condition of sentencing or release; alternatively, electronic monitoring may have been imposed as a sanction for violation behavior. Prisoners serving sentences on electronic monitoring, considered part of the Community Residential Program (CRP), are included in this report and are not reported on as part of the Community ReEntry Program report. Global Positioning System (GPS) electronic monitoring is excluded from this report as a separate report is required for GPS monitoring.

The Electronic Monitoring Center is staffed 24 hours a day, 7 days a week, 365 days a year. Monitored probationers and parolees are assigned to and supervised by field agents throughout the State, but all monitoring of the equipment, alert processing and notification, and inventory control is managed through the Monitoring Center. The Center handles all Law Enforcement Information Network (LEIN) activity in the Department, due to their alert processing and notification responsibilities. The Center also contracts to provide monitoring services for Community Electronic Monitoring (CEM) and for the Regional Detention Services System (RDSS).

The program currently has sufficient equipment to handle approximately 3,000 offenders on monitoring. The program has been fully operational at that level in the past, but has seen considerable reduction in numbers since the implementation of the Truth-in-Sentencing legislation, which has caused the number of prisoners in the CRP program to fall from around 1,500 prisoners on electronic monitoring to less than 30 recently.

Table 1 breaks down the new electronic monitoring participants by month and type of offender. In this report, tables in this format combine offender counts from two sources: Prisoner counts

are from the Corrections Management Information System, which also provides more details for the prisoner only tables in this report, while the other offender counts are from the monitoring software's less detailed database.

Table 1 - New Electronic Monitoring Participants Monthly By Offender Type

	Prisoner		Parole		Parole SAI		Probation		Probation SAI		CEM		RDSS		Total	
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
Jan	8	6	95	232	52	72	249	231	62	55	73	57	41	27	580	680
Feb	8	2	102	207	48	35	220	221	49	53	59	45	29	37	515	600
Mar	14	17	133	216	62	53	311	250	55	32	92	39	48	38	715	645
Apr	12	11	126	245	55	35	226	281	42	33	89	46	41	51	591	702
May	19	12	161	210	64	69	258	232	65	24	55	68	58	43	680	658
Jun	14	7	186	173	68	57	254	213	70	32	71	56	54	47	717	585
Jul	8	5	209	185	69	64	201	249	60	26	77	57	45	43	669	629
Aug	6	11	223	170	70	42	251	205	44	16	84	62	56	56	734	562
Sep	7	5	226	173	57	28	219	241	42	29	71	55	48	51	670	582
Oct	2	9	285	178	81	31	265	316	43	21	84	53	55	64	815	672
Nov	4	2	207	138	43	30	226	236	72	19	65	45	39	38	656	508
Dec	8	3	190	186	43	73	194	262	36	29	46	43	28	43	545	639
Total	110	90	2,143	2,313	712	589	2,874	2,937	640	369	866	626	542	538	7,887	7,462
Avg	9.2	7.5	178.6	192.8	59.3	49.1	239.5	244.8	53.3	30.8	72.2	52.2	45.2	44.8	657.3	621.8

Tables 2 and 3 show, for prisoners only, active sentence information at the time of their admission to electronic monitoring. In 2008, the 90 new monitoring prisoners had 184 active sentences, with roughly similar offense type percentages to the 2007 prisoners. The details presented in these two tables are for individual active sentences only, since a composite or cumulative minimum term would obscure offense type information.

Table 2 - Minimum Term Groups for All Active Offenses at the Time of Admission to Electronic Monitoring - Prisoners Only

Minimum Term Groups*	2007		2008	
	Number	Percent	Number	Percent
0-12 Months	59	25.3%	38	20.7%
13-24 Months	99	42.5%	84	45.7%
25-36 Months	32	13.7%	29	15.8%
37-60 Months	22	9.4%	11	6.0%
61-120 Months	20	8.6%	19	10.3%
121+ Months	1	0.4%	3	1.6%
Life	0	0.0%	0	0.0%
Total Offenses	233	100.0%	184	100.0%

* These Minimum Terms represent individual active sentences and disregard consecutives.

Table 3 - Offense Types for All Active Offenses at the Time of Admission to Electronic Monitoring - Prisoners Only

Offense Type	2007			2008		
	Number	Percent	Average Term ^{1,2}	Number	Percent	Average Term ^{1,2}
Nonassaultive	160	68.7%	33.7	139	75.5%	32.6
Drug	60	25.8%	21.3	41	22.3%	35.9
Assaultive	13	5.6%	19.6	4	2.2%	36.8
Total Offenses	233	100.0%	29.7	184	100.0%	33.4

¹ In months, these Average Terms represent individual active sentences and disregard consecutives.
² The average term may not be truly representative for offense types with a small number of cases.

Sentencing Guidelines (SGL) information has been captured in OMNI on a statewide basis since October of 2002, thus 2003 is the first available, full year of the 1999 Legislative Sentencing

Guidelines. Unfortunately, nearly 70% of the sentencing dates for the 2008 new monitoring prisoners are from before 2003 and additional complications, such as a mix of sentences with and without SGL data, and the change in handling of SGLs with regard to probation violations, make interpreting SGL sentencing characteristics dubious at this time. Regardless, Table 4 shows that nearly all of the actual sentences agree with the SGL ranges, though this comparison is meaningless since it represents about 30% of the sentences for new monitoring prisoners in 2008.

Table 4 - Comparison of Actual Sentence with SGL Range for New Electronic Monitoring Participants - Prisoners Only

Actual Sentence vs. SGL Range	2007		2008	
	Number	Percent	Number	Percent
Below Range	1	1.8%	6	10.3%
Within Range	48	85.7%	47	81.0%
Above Range	7	12.5%	5	8.6%
Total with SGLs	56	24.0%	58	31.5%
Unknown SGLs	177	76.0%	126	68.5%
Total Offenses	233	100.0%	184	100.0%

Table 5 returns to the combined offender type format and shows the monthly electronic monitoring terminations by offender type. Prisoners had successful electronic monitoring completions in 73.5% of the 2008 prisoner terminations. Successful prisoners stayed on electronic monitoring for an average of 132 days in 2008. Prisoners who unsuccessfully terminated electronic monitoring stayed for an average of 98 days in 2008. Below are typical reasons for unsuccessful terminations on electronic monitoring:

- Administrative terminations occur when the offender is unable to continue for reasons beyond their control, such as, loss of home placement, hospitalized, or commitment to a treatment program.
- Failure to pay for tether services
- Substance abuse violations
- Curfew violations
- Tampering with tether device
- Escape or abscond violation
- New felony

Table 5 - Monthly Electronic Monitoring Terminations by Offender Type

	Prisoner		Parole		Parole SAI		Probation		Probation SAI		CEM		RDSS		Total	
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
Jan	18	6	83	258	64	75	293	226	41	55	107	61	41	38	647	719
Feb	5	7	65	183	63	46	240	201	60	52	71	64	34	41	538	594
Mar	12	12	84	211	69	57	256	213	50	56	68	63	50	47	589	659
Apr	7	4	99	226	41	57	224	266	63	58	78	39	37	31	549	681
May	17	10	112	208	63	55	278	217	61	48	78	44	51	51	660	633
Jun	18	7	113	218	65	58	257	237	64	30	77	51	55	50	649	651
Jul	16	9	121	219	48	52	252	264	55	25	81	48	45	36	618	653
Aug	13	8	170	198	69	54	225	235	45	15	72	63	56	47	650	620
Sep	5	7	170	180	65	64	219	254	56	36	61	62	50	50	626	653
Oct	4	11	230	217	72	46	263	167	60	28	81	60	49	53	759	582
Nov	9	5	214	143	53	34	274	210	41	28	81	36	49	40	721	496
Dec	7	12	202	183	60	34	204	263	48	21	58	63	29	42	608	618
Total	131	98	1,663	2,444	732	632	2,985	2,753	644	452	913	654	546	526	7,614	7,559
Avg	10.9	8.2	138.6	203.7	61.0	52.7	248.8	229.4	53.7	37.7	76.1	54.5	45.5	43.8	634.5	629.9

The monthly new monitoring participants, monthly monitoring terminations, and average lengths of stay resulted in the end of month electronic monitoring populations shown in Table 6.

Table 6 - End of Month Electronic Monitoring Populations by Offender Type

	Prisoner		Parole		Parole SAI		Probation		Probation SAI		CEM		RDSS		Total	
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
Jan	39	28	191	641	167	164	830	781	173	144	112	100	99	85	1,611	1,943
Feb	42	23	227	675	155	153	810	792	161	145	99	75	99	83	1,593	1,946
Mar	44	28	285	675	149	143	851	824	166	122	121	51	94	82	1,710	1,925
Apr	49	35	316	707	162	127	880	844	143	98	130	64	97	93	1,777	1,968
May	51	37	359	696	164	145	841	858	139	80	108	80	100	85	1,762	1,981
Jun	47	37	421	651	164	145	840	831	155	76	101	91	100	85	1,828	1,916
Jul	39	33	511	589	193	158	804	792	158	72	102	101	104	90	1,911	1,835
Aug	32	36	565	591	189	132	828	791	150	69	123	104	101	104	1,988	1,827
Sep	34	34	628	573	182	104	823	787	143	65	124	92	100	98	2,034	1,753
Oct	32	32	677	545	181	83	789	872	133	55	117	97	109	114	2,038	1,798
Nov	27	29	658	565	168	91	797	879	148	54	106	93	100	106	2,004	1,817
Dec	28	20	659	541	162	138	770	860	155	58	90	70	96	106	1,960	1,793
Avg	38.7	31.0	458.1	620.8	169.7	131.9	821.9	825.9	152.0	86.5	111.1	84.8	99.9	94.3	1,851.3	1,875.2

Return to prison statistics measure a parolee's outcome at the conclusion of a standard follow-up period, however, this is not a relevant measure for most electronic monitoring participants. Return to prison is only relevant for prisoners, parolees, and parolees from SAI. Table 7 replicates a portion of the D3 table reported in the Department's 2006 Statistical Report (the most recent available). The table shows that offenders paroled in 2004 had a Total Failure Rate of 49.4% (Absconds 8.7%, Technical Violators 20.9%, and New Sentence Violators 19.9%) after a full three-year follow up period. New electronic monitoring participants (prisoners, parolees, and parolees from SAI) for 2004 are the most recent participants that can have a three year follow-up period, however, they would have paroled from a mixture of years from 2004 and earlier. Thus, these new participants for 2004 will have a failure rate that averages the recidivism rates for parolees in 2004 and earlier.

Table 7 - (portion of) Three-Year Follow-Up Outcomes of Offenders Who Paroled in 1998 to 2004 by Year

Year Paroled	Total Cases	Success Total	Failure Total	Absconds	Technical Violators	New Sentence
2001	9,591	51.7%	48.3%	6.4%	24.6%	17.3%
2002	10,254	51.7%	48.3%	9.0%	21.1%	18.2%
2003	11,207	51.6%	48.4%	9.2%	20.4%	18.7%
2004	10,818	50.6%	49.4%	8.7%	20.9%	19.9%

See 2006 Statistical Report, Table D3, at
http://www.michigan.gov/documents/corrections/MDOC_2006_Statistical_Report_255590_7.pdf

Electronic monitoring of offenders impacts jail utilization by preserving jail beds for offenders that pose a more serious risk to the public. Electronic monitoring provides the Courts with an option that falls between probation and jail and additionally provides a sanction for noncompliant probationers. Electronic monitoring impacts prison admissions by diverting eligible parole violators who would otherwise be returned to prison as technical violators.

Electronic Monitoring Center

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2007 Staffing		2008 Staffing
1.0	Parole Probation Manager 3	1.0
1.0	Parole Probation Manager 4	1.0
3.0	Departmental Supervisor-2	3.0
1.0	Departmental Analyst-A	1.0
6.0	Departmental Technician-A	6.0
22.0	Departmental Technician-E	22.0
1.0	General Office Assistant 8	1.0
1.0	Secretary-A	1.0
36.0	Total Electronic Monitoring Center Staff	36.0